

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Criminal No. 04-29 (JRT)

Plaintiff,

v.

ORDER

MOHAMED ABDULLAH WARSAME,

Defendant.

Thomas M. Hollenhorst and William H. Koch, Assistant United States Attorneys, **OFFICE OF THE UNITED STATES ATTORNEY**, 600 United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415; Joseph N. Kaster, **UNITED STATES DEPARTMENT OF JUSTICE**, 10th and Constitution Avenue NW, Room 2649, Washington DC, 20530; for plaintiff.

David C. Thomas, **LAW OFFICES OF DAVID C. THOMAS**, 53 West Jackson Boulevard, Suite 1362, Chicago, IL 60604; Andrea K. George, **FEDERAL PUBLIC DEFENDER**, 300 South Fourth Street, Suite 107, Minneapolis, MN 55415; for defendant.

On February 16, 2007, the Court issued an Order granting in part and denying in part Warsame's motions for a bill of particulars. The Court determined that the charges of material support contained in the Superseding Indictment were not sufficiently detailed to allow Warsame to effectively challenge the constitutionality of 18 U.S.C. § 2339B. The Court therefore ordered the prosecution to file a bill of particulars specifying the activities it contends constitute material support and resources, as enumerated in the statutory definition contained in 18 U.S.C. § 2339A(b)(1). On March 16, 2007, the

prosecution filed a bill of particulars specifying the two counts of material support contained in the Superseding Indictment. The prosecution alleges that Warsame conspired to provide and provided material support and resources to a foreign terrorist organization in the form of “currency,” “personnel,” and “training.” *See* 18 U.S.C. § 2339(A)(b)(1).

The Court requests counsel for the defendant to submit additional briefing on this matter. Specifically, counsel shall address whether the allegations contained in the Superseding Indictment, as specified in the bill of particulars, are sufficient for the defense to challenge the constitutionality of 18 U.S.C. § 2339B on grounds that the statute is unconstitutionally vague as applied to the defendant. Counsel’s submission is due April 9, 2007. If the prosecution believes that it is necessary to reply to the defendant’s submission, it should ask the Court for permission to do so.

DATED: April 2, 2007
at Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge